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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,023	01/25/2001	Minoru Kouda	ISHI-BB63b	7255

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PRICE AND GESS
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EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/04/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/770,023

Applicant(s)

KOU DA ET AL.

Examiner

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-51 is/are pending in the application.
- 4a) Of the above claim(s) 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-39 and 45-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1722

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the search for claims 29 will include the subject matter set forth in claims 40-44. This is not found persuasive because Claims 40-44 will require search in class 264, which related to the method of forming powder tablets. This search is not required for claim 29.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Korsch (4,057,381).

Korsch disclose a rotary press, comprising a rotary die plate (2), a plurality of pressing units includes upper and lower punches (11, 5), a center pin (12) concentric with the lower punch, a plurality pair of pressure rollers (9, 10 and 25-27), a plurality of loading units (6-8, 13-14), a first rotary cam (28-30) for lifting up the center pin and the lower punch, a second stationary cam (32), a conveyor jigs (Fig. 2), a cylindrical container (23) for supplying the powder material to the dies.

Art Unit: 1722

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-39 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogue et al (5,662,849) in view of Korsch (4,057,381).

Bogue et al disclose an apparatus for forming tablets. The apparatus comprise a rotatable table (14), a filling station (20), a tablet forming station (42), and an unloading station (56). The filling station includes a support member (22) and production tray (25) for forming a casing around the formed tablets. The tray has a plurality of cavities (27). A filling block (29) includes a plurality of elongated upwardly opening channels (29a) each disposed over an individual cavity (27) and permit the accommodation of dies used to form the tablets in the cavities (27). The rotatable table includes a die assembly (45), which is position over the filling block (29). The die assembly comprises upper punches (47), an upper support block (48), a lower support block (50) and a support member (22). The support blocks (48 & 50) are moveable under the bias of a spring assembly (52). The upper punches are moveable by the actuator (46).

Bogue et al, however, fail to disclose a center pin mounted in the axial center of the die, and a plurality of cam and pressure rollers to control the movement of the upper and lower punches.

Art Unit: 1722

Korsch disclose a rotary tablet forming apparatus as described above, in which the tablet comprises a center pin, a plurality of cams and pressure rollers for controlling the movement of the upper and lower punches during the pressing process.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bogue et al by providing a center pin, plurality of cams and pressure rollers as taught by Korsch, because the center pin would allow the tablet to be formed with a hole in the middle, while the cams and the rollers would control the movement of the upper and lower punches with respect to the rotation of the rotary die during the pressing process.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogue et al and Korsch as applied to claims 29-39 and 45-50 above, and further in view of Stott (2,963,993).

Bogue et al and Korsch disclose a tablet forming apparatus as described above, but fail to disclose that the case holding means is mounted to one end of a lever, which is mounted on a rotary disk.

Stott disclose an apparatus and method for forming coated tablet. The apparatus includes a first tablet forming station (A), a coating station (B) and a transfer means (C). The transfer means comprises a plurality of levers (15) that being mounted on a rotary disk (16) for transferring the tablets from the forming station (A) to the coating station (B).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bogue et al by providing a case holding means with a plurality of levers being mounted on a rotary disk as taught by Stott, because when the levers are mounted on a rotary disk, it would take less space to transfer the tablets between different stations.

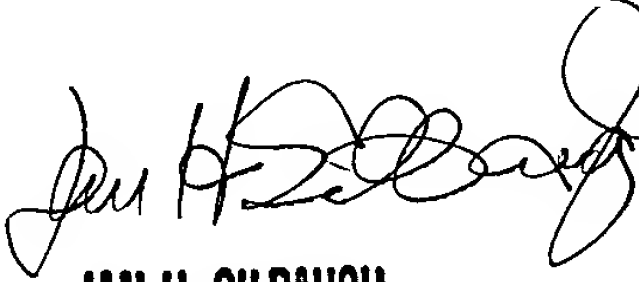
Art Unit: 1722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday-Thursday and on alternate Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN
October 1, 2002


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT ~~1721~~ 1722

10/01/02